

REMARKS

Claims 1, 13, 17, and 25 have been amended. No new matter has been entered. Claims 1 - 25 are pending in this Application. Reconsideration and further examination is respectfully requested.

Claim Rejections – 35 USC § 112

1. Claims 1 – 25 were rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, as being indefinite in that the variables p, k, and t were undefined as to within which number system they reside. Independent claims 1, 17, and 25 have been amended to clarify that variables p, k, and t are indeed positive integers.

Claim Rejections – 35 USC § 102

2. Claims 1 - 25 were rejected under 35 U.S.C. 102(e) as being anticipated by Fisher et al. (U.S. Patent Publication 2002/0039362 A1). This rejection is respectfully traversed.

In accordance with the Applicants' invention, there is provided a communications switch having p inputs, q outputs, an ingress commutator, and an egress commutator. The switch of the Applicants' invention includes p+k buffer switches. An input data conditioner, comprising p inputs and p+k outputs, is coupled between the p inputs of the communications switch and the p+k information buffers. An output data conditioner comprising p+k inputs and q outputs is coupled between the p+k information buffers and the q outputs. The ingress commutator is

operable to cyclically interconnect each of said p+k inputs of said input data conditioner to each of said p+k information buffers to provide data from said each of said p+k inputs of said input data conditioner to said p+k information storage buffers, said egress commutator operable to cyclically interconnect each of said p+k information storage buffers to said p+k inputs of said output data conditioner to provide data from said p inputs to said q outputs. One advantage of the claimed arrangement, as set forth in dependent claim 3, is that data can be transferred into the p+k storage buffers at a rate less than the rate at which data arrives at the p inputs.

A prima facie case of anticipation requires a showing of each and every element of the claim within the four corners of the cited reference. In rejecting claim 1, the Office Action refers to Fig. 6 of Fisher. Particularly, the Office Action refers to s0-s3 as representing inputs, d0-d3 as representing outputs, and t0,0 –t3,1 as representing p+k information storage buffers. The Office Action then refers to “an input data conditioner (152, 154, 162, 164) comprising p inputs and p+k outputs, connected between said p inputs of said communications switch and said p+k information buffers (t(0,0)-t(3,1)), for distributing data received at said p (s0-s3) inputs of said input data conditioner to its p+k outputs...”

The Applicants disagree with this characterization of Fisher. Figure 6 of Fisher is a diagram of a fault tolerant version of a rotator switch as known in the art. (See Fisher [0051] last sentence.) Note that the (s0-s3) inputs are coupled only to the components 152, 162, each of which has “p” inputs and “p” outputs. Thus the components (152, 154, 162, 164) cannot be characterized as equivalent to the claimed “input data conditioner”.

Fisher thus fails to teach or suggest an “input data conditioner” as the Applicants have claimed. Because Fisher fails to teach or suggest the invention as set forth in Applicant’s Claim

1, the Applicants respectfully assert that Claim 1 and its dependent Claims 2 – 12 are in condition for allowance.

The Applicant's claim 13 sets forth an input data conditioner whose function is parallel to that of the input data conditioner of claim 1. Fisher fails to teach or suggest this input data conditioner for the same reasons set forth with regard to the data conditioner of claim 1 above. The Applicants therefore respectfully assert that Claim 13 and its dependent Claims 14 - 15 are in condition for allowance.

The Applicant's claim 17 sets forth "intermediate inputs" whose functions are parallel to that of the data conditioners of claim 1. Fisher fails to teach or suggest these "intermediate inputs" for the same reasons set forth with regard to the data conditioners of claim 1 above. The Applicants therefore respectfully assert that Claim 17 and its dependent Claims 18 - 24 are in condition for allowance.

The Applicant's Claim 25 sets forth "intermediate inputs" whose functions are parallel to that of the input data conditioner of Claim 1 and the intermediate inputs of Claim 17. Fisher fails to teach or suggest these "intermediate inputs" for the same reasons set forth with regard to the data conditioners of claim 1 and intermediate inputs of claim 17 above. The Applicants therefore respectfully assert that Claim 25 is in condition for allowance.

CONCLUSION

In view of the amendments and arguments made herein, Applicants submit that the application is in condition for allowance and request early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the Applicants' representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-2003, or at the undersigned's mobile (617) 901-6786.

Respectfully submitted,

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Reg. No.: 37,946

Fax No.: (508) 303-0005

Tel. No.: (508) 303-2003

/Mary M. Steubing/

Mary M. Steubing

Attorney for Applicants

Guerin & Rodriguez, LLP

5 Mount Royal Avenue

Marlborough, MA 01752